

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JAMES SCOTT,
Plaintiff,

v.

R. GARCIA,
Defendant.

Case No. [25-cv-00435-HSG](#)

**ORDER DENYING MOTION TO
COMPEL WITHOUT PREJUDICE**

Re: Dkt. No. 11

Plaintiff, an inmate currently housed at Salinas Valley State Prison (“SVSP”), has filed a *pro se* action pursuant to 42 U.S.C. § 1983, alleging that SVSP officer R. Garcia used excessive force in violation of the Eighth Amendment. Plaintiff has filed a motion to compel defendant Garcia to produce the August 28, 2024 footage from defendant Garcia’s body camera. Dkt. No. 11.

The Court DENIES Plaintiff’s motion to compel without prejudice to re-filing after he complies with the meet-and-confer requirement set forth in Fed. R. Civ. P. 37 and N.D. Cal. L. R. 37-1(a). Fed. R. Civ. P. 37(a)(1) requires that a motion to compel discovery “include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” Fed. R. Civ. P. 37(a)(1). Local Rule 37-1(a) provides that the Court will not entertain a request or a motion to resolve a discovery dispute unless, pursuant to Fed. R. Civ. P. 37, counsel have previously conferred for the purpose of attempting to resolve all disputed issues. N.D. Cal. L. R. 37-1(a). In addition, Plaintiff’s motion to compel fails to comply with N.D. Cal. Local Rule 37-2’s requirement that the motion to compel “set forth each [discovery] request in full, followed immediately by the objections and/or responses thereto[; and for] each such request, . . . detail the


1 basis for the party's contention that it is entitled to the requested discovery and . . . show how the
2 proportionality and other requirements of Fed. R. Civ. P. 26(b)(2) are satisfied." N.D. Cal. L.R.
3 37-2.

4 Plaintiff's motion to compel lacks the necessary certification that Plaintiff has conferred in
5 good faith with Defendants in an effort to obtain the requested discovery without court action and
6 is not in the format required by Local Rule 37-2. Accordingly, Plaintiff's motion to compel is
7 DENIED without prejudice to re-filing with the requisite certification if he is unable to resolve the
8 dispute after good faith meet-and-confer efforts. Any motion to compel must also comply with
9 Local Rule 37-2's format requirements.

10 This order terminates Dkt. No. 11.

11 **IT IS SO ORDERED.**

12 Dated: 5/13/2025

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14 HAYWOOD S. GILLIAM, JR.
15 United States District Judge
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